

Message Text

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ACTION DLOS-09

INFO OCT-01 IO-14 ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 COME-00 DODE-00 DOTE-00
EB-08 EPA-04 SOE-02 DOE-15 FMC-02 TRSE-00 H-02
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OES-09 OMB-01 PA-02 PM-05 SP-02 SS-15 ICA-20
AF-10 ARA-14 EA-12 EUR-12 NEA-10 /213 W
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R 282130Z AUG 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 3018

UNCLAS SECTION 01 OF 02 USUN NEW YORK 03334

FROM USDEL

E.O. 11652: N/A
TAGS: PLOS
SUBJECT: G-77 STATEMENT ON SEABED MINING LEGISLATION

1. STATEMENT BY THE CHAIRMAN OF THE GROUP OF 77
(AMBASSADOR SATYA N. NANDAN) IN THE GENERAL COMMITTEE ON
AUGUST 28, 1978:

BEGIN QUOTE:

MR. PRESIDENT: AS THE CHAIRMAN OF THE GROUP OF 77, A
GROUP OF 119 DEVELOPING COUNTRIES AT THIS CONFERENCE, I
WOULD LIKE TO REFER TO A MATTER WHICH THOUGH APPARANTLY
EXTRANEIOUS TO THE CONFERENCE MUST BE OF GRAVE CONCERN FOR
ALL WHO WISH TO SEE THIS CONFERENCE SUCCESSFULLY CONCLUDED.
THE MATTER I WISH TO REFER TO IS THE MOVE FOR UNILATERAL
LEGISLATION RELATING TO THE EXPLOITATION OF THE RESOURCES
OF THE DEEP SEABED, BEING ENACTED OR CONTEMPLATED IN
SEVERAL INDUSTRIALIZED COUNTRIES.

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SUCH A MOVE, COMING AT A TIME WHEN THIS CONFERENCE HAS
VIRTUALLY CONCLUDED 90 PERCENT OF ITS DIFFICULT AND INTRI-
CATE WORK FOR A GLOBAL TREATY AFFECTING THE OCEAN SPACE AS
A WHOLE, MUST BE OF CONCERN TO ALL WHO SEEK TO REGULATE
THE FUTURE RELATIONS IN THE OCEANS IN AN ORDERLY AND
PEACEFUL MANNER THROUGH A UNIVERSALLY AGREED TREATY.
THOSE INVOLVED IN THESE NEGOTIATIONS MUST KNOW THAT THIS

CONFERENCE HAS BEEN MAKING A STEADY PROGRESS TOWARDS A COMPREHENSIVE TREATY WHICH WILL DEAL WITH A BROAD SPECTRUM OF INTERNATIONAL LAW OF THE SEA FROM TERRITORIAL JURISDICTION OF STATES TO DEEP SEABED MINING BEYOND NATIONAL JURISDICTION. A TASK OF SUCH MAGNITUDE WHICH INVOLVES A MULTITUDE OF NATIONAL INTERESTS AND OFTEN CONFLICTING NATIONAL AND INTERNATIONAL INTERESTS, CANNOT BE NEGOTIATED OVERNIGHT. NOR CAN THE NEGOTIATIONS FOR A MULTILATERAL TREATY ENCOMPASSING SUCH A VAST AREA OF INTERNATIONAL LAW BE COMPARED WITH THE RELATIVELY SIMPLER PROCESSES OF NATIONAL LEGISLATIONS. IF OUR PROGRESS APPEARS TO BE SLOW IT IS TO ENSURE THAT OUR AGREEMENTS ARE UNIVERSALLY RESPECTED AND DURABLE.

IT IS IN THIS PERSPECTIVE THAT I WISH TO EXPRESS HERE THE VIEW OF THE GROUP OF 77 ON THE QUESTION OF UNILATERAL LEGISLATIONS AFFECTING THE RESOURCES IN THE AREA OF SEABED BEYOND NATIONAL JURISDICTION.

THE GROUP CONSIDERS SUCH LEGISLATION AS BEING CONTRARY TO THE DECLARATION OF PRINCIPLES CONTAINED IN GENERAL ASSEMBLY RESOLUTION 2749 (XXV) AND THE DECLARATION FOR A MORATORIUM ON SEABED EXPLORATION AND EXPLOITATION CONTAINED IN GENERAL ASSEMBLY RESOLUTION 2564 D (XXIV).

IN THE DECLARATION OF PRINCIPLES, THE INTERNATIONAL COM-
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MUNITY HAS SOLEMNLY PROCLAIMED THE DEEP SEABED AREA AS WELL AS ITS RESOURCES AS THE COMMON HERITAGE OF MANKIND AND AS SUCH IT IS NOT SUBJECT TO APPROPRIATION OR CLAIM OR EXERCISE OF SOVEREIGNTY OR SOVEREIGN RIGHTS. IT HAS FURTHER DECLARED THAT -

"ALL ACTIVITIES REGARDING THE EXPLORATION AND EXPLOITATION OF THE RESOURCES OF THE AREA AND OTHER RELATED ACTIVITIES SHALL BE GOVERNED BY THE INTERNATIONAL REGIME TO BE ESTABLISHED".

THE MORATORIUM RESOLUTION IS CATEGORICAL IN ITS DECLARATION THAT PENDING THE ESTABLISHMENT OF THE INTERNATIONAL REGIME, STATES ARE BOUND TO REFRAIN FROM ALL ACTIVITIES OF EXPLOITATION OF THE RESOURCES OF THE DEEP SEABED AND NO CLAIM TO ANY PART OF IT OR ITS RESOURCES SHALL BE RECOGNIZED.

IT IS THE POSITION OF THE GROUP OF 77 THAT SUCH UNILATERAL LEGISLATIONS RELATING TO THE RESOURCES BEYOND NATIONAL JURISDICTION HAVE NO VALIDITY IN INTERNATIONAL LAW AND ACTIVITIES CONDUCTED THEREUNDER CANNOT BE PURPORTED TO

ACQUIRE ANY LEGAL STATUS.

IT IS INCOMPREHENSIBLE THAT AT A TIME WHEN THE CONFERENCE IS AT AN ADVANCED STAGE IN NEGOTIATING AN INTERNATIONALLY AGREED REGIME FOR THE EXPLORATION AND EXPLOITATION OF THE RESOURCES OF THE DEEP SEABED, STATES ENGAGED IN THOSE NEGOTIATIONS SHOULD CONTEMPLATE UNILATERAL ACTIONS WHICH WOULD THREATEN TO JEOPARDISE THE PURSUIT OF THE NEGOTIATIONS AND INDEED THE SUCCESSFUL CONCLUSION OF THE CONFERENCE ITSELF. THESE STATES MUST BE AWARE OF THE CONSEQUENCES OF THEIR ACTIONS.

MR. PRESIDENT, THERE CAN BE NO SUBSTITUTE TO A UNIVERSALLY

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FROM LOSDEL

AGREED TREATY FOR A RATIONAL AND EQUITABLE DEVELOPMENT OF THE RESOURCES OF THE DEEP SEABED AREA IN THE INTERESTS OF THE WORLD COMMUNITY AS A WHOLE. ANY OTHER SOLUTION IS NOT ONLY SELFISH BUT SHORT-SIGHTED AND MAY LEAD TO IRREPARABLE CONSEQUENCES.

ALL OF US HAVE MORE IMPORTANT INTERESTS AT STAKE AT THIS CONFERENCE THAN ONLY THE MANGANESE NODULES AND WE SHOULD BE CAREFUL NOT TO JEOPARDISE THE OVERALL AGREEMENT THROUGH HASTY AND SHORT-SIGHTED ACTIONS. LEONARD

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